

The Honorable Mary K. Dimke

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

ANDREI JOHNSON, a single person,
Plaintiff,

v.

CITY OF SPOKANE POLICE
DEPARTMENT, CHIEF CRAIG MEIDL,
NATE SPIERING, and TODD BELITZ,
each in their personal and representative
capacities. ,
Defendants.

No. 2:25-cv-00085-MKD

DEFENDANTS' ANSWER TO
COMPLAINT AND AFFIRMATIVE
DEFENSES

JURY DEMAND

Defendants CITY OF SPOKANE POLICE DEPARTMENT, CHIEF CRAIG MEIDL, NATE SPIERING, AND TODD BELITZ, EACH IN THEIR PERSONAL AND REPRESENTATIVE CAPACITIES, in answer to ANDREI JOHNSON's Complaint, admit, deny, and allege as follows:

I. INTRODUCTION

Defendants deny the allegations contained in these paragraphs (1.1 – 1.7).

II. PARTIES

2.1 Defendants are without knowledge sufficient to form a belief as to the truth of the allegations contained in this paragraph and, therefore, deny the same.

2.2 Defendant deny that the City of Spokane Police Department is a proper party to this lawsuit but admit the allegations contained in his paragraph.

1 2.3 Defendants admit the allegations contained in this paragraph.

2 2.4 Defendants admit the allegations contained in this paragraph.

3 2.5 Defendants admit the allegations contained in this paragraph.

4 2.6 Defendants deny the allegations contained in this paragraph.

5 **III. JURISDICTION**

6 3.1 Defendants admit that that the District Court before which this matter is
7 pending is the proper venue and has personal jurisdiction over those Defendants which are
8 capable of being sued; the remainder of this paragraph is denied.

9 3.2 Defendants admit that that the Court before which this matter is pending is
10 the proper venue and has personal jurisdiction over those Defendants which are capable of
11 being sued; the remainder of this paragraph is denied.

12 3.3 Defendants admit the allegations contained in his paragraph.

13 **IV. FACTS**

14 4.1 Defendants admit that Ms. Klieber called 911 and deny the remaining
15 allegations contained in this paragraph.

16 4.2 Defendants deny the allegations contained in this paragraph.

17 4.3 Defendants deny the allegations contained in this paragraph.

18 4.4 Defendants admit that the responding officers attempted de-escalation and
19 deny the remaining allegations contained in this paragraph.

20 4.5 Defendants admit that Mr. Johnson stabbed himself in the neck and deny the
21 remaining allegations contained in his paragraph.

22 4.6 Defendants admit that the responding officers used less lethal force and deny
23 the remaining allegations contained in his paragraph.

24 4.7 Defendants admit that the responding officers used less lethal force,
25 including a 40 mm “blue nose” rounds and TASER, and deny the remaining allegations
26 contained in his paragraph.

27 4.8 Defendants admit that Mr. Johnson experienced temporary neuromuscular

1 incapacitation and deny the remaining allegations contained in his paragraph.

2 4.9 Defendants deny the allegations contained in this paragraph.

3 4.10 Defendants deny the allegations contained in this paragraph.

4 4.11 Defendants deny the allegations contained in this paragraph.

5 4.12 Defendants deny the allegations contained in this paragraph.

6 4.13 Defendants deny the allegations contained in this paragraph.

7 4.14 Defendants deny the allegations contained in this paragraph.

8 4.15 Defendants are without knowledge sufficient to form a belief as to the truth
9 of the allegations contained in this paragraph and, therefore, deny the same.

10 4.16 Defendants deny the allegations contained in this paragraph.

11 **V. JURY DEMAND**

12 Defendants join in Plaintiff's Jury Demand.

13 **VI. CAUSES OF ACTION**

14 6.1 Defendants admit the allegations contained in this paragraph.

15 6.2 Defendants deny the allegations contained in this paragraph as legal
16 conclusions.

17 6.3 Defendants deny the allegations contained in this paragraph, including (a)
18 and (b).

19 6.4 Defendants deny the allegations contained in this paragraph.

20 6.5 Defendants deny the allegations contained in this paragraph.

21 6.6 Defendants deny the allegations contained in this paragraph.

22 6.7 Defendants deny the allegations contained in this paragraph.

23 6.8 Defendants deny the allegations contained in this paragraph.

24 6.9 Defendants admit the allegations contained in this paragraph.

25 6.10 Defendants deny the allegations contained in this paragraph, including (a),
26 (b), (c), (d), and (e).

27 6.11 Defendants deny the allegations contained in this paragraph as legal

1 conclusions, including (a), (b), (c), (d), and (e).

2 6.12 Defendants deny the allegations contained in this paragraph, including (a),
3 (b), (c), (d), and (e).

4 6.13 Defendants deny the allegations contained in this paragraph.

5 6.14 Defendants deny the allegations contained in this paragraph.

6 6.15 Defendants deny the allegations contained in this paragraph.

7 6.16 Defendants deny the allegations contained in this paragraph.

8 6.17 Defendants admit the allegations contained in this paragraph.

9 6.18 Defendants deny the allegations contained in this paragraph as legal
10 conclusions.

11 6.19 Defendants deny the allegations contained in this paragraph.

12 6.20 Defendants deny the allegations contained in this paragraph, including (a),
13 (b), and (c).

14 6.21 Defendants deny the allegations contained in this paragraph.

15 6.22 Defendants deny the allegations contained in this paragraph.

16 6.23 Defendants deny the allegations contained in this paragraph.

17 6.24 Defendants deny the allegations contained in this paragraph.

18 6.25 Defendants deny the allegations contained in this paragraph.

19 6.26 Defendants deny the allegations contained in this paragraph.

20 6.27 Defendants admit the involved officers were acting as agents of the City of
21 Spokane and deny the remaining allegations contained in this paragraph.

22 6.28 Defendants deny the allegations contained in this paragraph.

23 6.29 Defendants deny the allegations contained in this paragraph.

24 6.30 Defendants deny the allegations contained in this paragraph.

25 6.31 Defendants deny the allegations contained in this paragraph.

26 6.32 Defendants deny the allegations contained in this paragraph.

27 6.33 Defendants deny the allegations contained in this paragraph.

1 6.34 Defendants deny the allegations contained in this paragraph.

2 6.35 Defendants deny the allegations contained in this paragraph.

3 6.36 Defendants deny the allegations contained in this paragraph.

4 6.37 Defendants deny the allegations contained in this paragraph.

5 6.38 Defendants deny the allegations contained in this paragraph as legal
6 conclusions.

7 6.39 Defendants deny the allegations contained in this paragraph, including (a),
8 (b), (c), and (d).

9 6.40 Defendants deny the allegations contained in this paragraph, including (a),
10 (b), (c), and (d).

11 6.41 Defendants deny the allegations contained in this paragraph.

12 6.42 Defendants deny the allegations contained in this paragraph.

13 6.43 Defendants deny the allegations contained in this paragraph.

14 6.44 Defendants deny the allegations contained in this paragraph.

15 6.45 Defendants deny the allegations contained in this paragraph.

16 6.46 Defendants deny the allegations contained in this paragraph.

17 6.47 Defendants deny the allegations contained in this paragraph.

18 6.48 Defendants deny the allegations contained in this paragraph.

19 6.49 Defendants deny the allegations contained in this paragraph.

20 6.50 Defendants admit the allegations contained in this paragraph.

21 6.51 Defendants deny the allegations contained in this paragraph as legal
22 conclusions.

23 6.52 Defendants admit the Defendants were acting within the course and scope of
24 their employment and deny the remaining allegations contained in this paragraph as legal
25 conclusions.

26 6.53 Defendants deny the allegations contained in this paragraph.

27 6.54 Defendants deny the allegations contained in this paragraph as legal

1 conclusions.

2 **VII. DAMAGES**

3 7.1 Defendants deny the allegations contained in this paragraph.

4 **VIII. AFFIRMATIVE DEFENSES**

5 BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSE, Defendants
6 state and allege as follows:

7 1. **INTOXICATION:** That the injuries and damages, if any, claimed by the
8 Plaintiff were proximately caused or contributed to by the fault of Plaintiff's intoxication.

9 2. **FELONY:** That the injuries and damages, if any, claimed by the Plaintiff
10 were proximately caused or contributed to by the fault of Plaintiff's commission of a
11 felony.

12 3. **CONTRIBUTORY FAULT:** That the injuries and damages, if any,
13 claimed by the Plaintiff were proximately caused or contributed to by Plaintiff's
14 negligence.

15 4. **QUALIFIED IMMUNITY:** Defendants contend that Plaintiff's claims are
16 barred by the doctrine of qualified immunity.

17 5. **CAPACITY:** The City of Spokane Police Department is not a suable entity
18 (i.e., is not legally capable of being sued). The proper municipal defendant, if any, would be
19 the City of Spokane.

20 6. **UNDUE HARDSHIP:** That accommodation would have imposed an undue
21 hardship on operation of Defendants' business.

22 7. **DIRECT THREAT:** That failure to enforce standards and qualifications
23 would have posed a direct and immediate threat to the safety of Defendants and others that
24 could not be reduced or eliminated by reasonable accommodation.

25 **IX. DEFENDANT'S PRAYER FOR RELIEF**

26 WHEREFORE, Defendants CITY OF SPOKANE POLICE DEPARTMENT,
27

1 CHIEF CRAIG MEIDL, NATE SPIERING, AND TODD BELITZ pray for the following
2 relief:

3 1. That Plaintiff's complaint be dismissed with prejudice, and that Plaintiff take
4 nothing by his complaint;

5 2. That Defendants be allowed their statutory costs and reasonable attorney
6 fees incurred herein; and

7 3. For such additional relief the Court may deem just and equitable.

8 **X. JURY TRIAL DEMANDED**

9 The Defendants respectfully demand their right to a trial by jury in this matter.

10
11 DATED this 28th day of March, 2025.

12
13 KEATING, BUCKLIN & McCORMACK, INC., P.S.

14
15 By: /s/ Brian C. Augenthaler
16 Brian C. Augenthaler, WSBA #44022
17 *Attorneys for Defendants City of Spokane Police*
Department, Meidl, Spiering, and Belitz

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20 Phone: (206) 623-8861
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24
25
26
27

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiff

Marcus Sweets, WSBA No. 52895
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and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: N/A

DATED: March 28, 2025

/s/ Lindsey E. Martin

Lindsey E. Martin, Legal Assistant